

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SMITHKLINE BEECHAM CORPORATION,	No. C 07-5702 CW
Plaintiff,	ORDER GRANTING IN
v.	PART DEFENDANT'S
ABBOTT LABORATORIES,	MOTION TO SEAL
Defendant.	(DOCKET NO. 38)

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Defendant Abbott Laboratories has filed a miscellaneous administrative request to file under seal Exhibit A to the declaration of Nicole M. Norris in support of Abbott's motion to dismiss the complaint. Abbott also seeks to file under seal portions of its motion to dismiss. However, it does not believe that the redacted portions of this motion are sealable, and does not object to the unredacted version of the motion being filed in the public record; it included the motion in the present request in order to give Plaintiff Smithkline Beecham the opportunity to object to the motion being filed in the public record.

Abbott's request to file under seal is made in connection with a dispositive motion. Accordingly, the documents may not be filed under seal unless there is a "compelling interest" in doing so.

1 Pintos v. Pac. Creditors Ass'n, 504 F.3d 792, 801-03 (9th Cir.  
2 2007).

3 Exhibit A to the Norris declaration is a license agreement  
4 between the parties. The agreement contains confidential  
5 information related to negotiated terms and royalty rates. Abbott  
6 has filed a declaration establishing that this information is a  
7 trade secret which, if made public, could damage Abbott's ability  
8 to compete in the market. Additionally, there is no particular  
9 public interest in having access to this specific information.  
10 Accordingly, the Court finds that a compelling interest exists to  
11 file this exhibit under seal. Abbott's request is therefore  
12 GRANTED with respect to this exhibit, and the clerk shall file the  
13 exhibit under seal.

14 As for the redacted portions of Abbott's motion to dismiss,  
15 Smithkline Beecham has not filed a declaration establishing that  
16 this information is sealable, as required by Local Rule 79-5(d).  
17 Because Abbott does not argue that this information should be filed  
18 under seal, its request is DENIED with respect to it. Abbott shall  
19 file the full, unredacted version of its motion to dismiss in the  
20 public record.

21 IT IS SO ORDERED.

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23 Dated: 2/5/08



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CLAUDIA WILKEN  
United States District Judge